directions for use since it failed to state the frequency with which penicillin in combination with the article should be injected.

DISPOSITION: February 19, 1949. Pleas of not guilty having been entered, the case came on for trial before the court without a jury on February 16, 1949. At the conclusion of the trial, the court returned a verdict of not guilty.

2692. Misbranding of benzedrine sulfate tablets and thyroid tablets. U. S. v. Ray's Pharmacy, Ray S. Gresham, and Ben B. Western. Pleas of nolo contendere. Fine of $250 against pharmacy and $125 against each individual. (F. D. C. No. 25323. Sample Nos. 26387–K, 27023–K.)

INFORMATION FILED: On or about November 9, 1948, Eastern District of Missouri, against Ray's Pharmacy, a partnership, Macon, Mo., and Ray S. Gresham and Ben B. Western, members of the partnership.

INTERSTATE SHIPMENT: On or about February 19 and 24, 1948, from Philadelphia, Pa., and Tuckahoe, N. Y., of quantities of *benzedrine sulfate tablets* and *thyroid tablets*.

LABEL, WHEN SHIPPED: "Benzedrine Sulfate Tablets [or "Thyroid, U. S. P. Compressed"] * * * Caution: to be dispensed only by or on the prescription of a physician."

ALLEGED VIOLATION: On or about April 26, 1948, while the drugs were being held for sale after shipment in interstate commerce, the defendants caused a number of tablets of the drugs to be removed from the bottles in which they had been shipped, to be repacked into boxes, and to be sold to various persons without a prescription, which acts of the defendants resulted in the tablets being misbranded. The repackaged tablets were labeled "Rays Benzidrine Sulfate 5 Mg." and "B & W Thyroid 1 grain."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the boxes containing the repackaged tablets bore no labeling containing directions for use; Section 502 (b) (1), the label of the repackaged tablets bore no statements containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), the label of the repackaged tablets bore no statements of the quantity of the contents.

DISPOSITION: May 23, 1949. Pleas of nolo contendere having been entered, the court imposed a fine of $250 against the pharmacy and $125 against each individual.

2693. Misbranding of seconal sodium pulvules. U. S. v. Keene Pharmacal Co. (Harold Lloyd's Prescriptions), and Harold A. Lloyd, John M. Hilsher, and Percy L. Stogsdill. Pleas of nolo contendere. Corporation fined $200 on count 1 and total of $500 on counts 2 to 6; payment of $500 suspended and corporation placed on probation for 1 year. Each individual defendant fined $100. (F. D. C. No. 25594. Sample Nos. 22376–K, 22378–K, 22379–K, 22381–K, 22384–K, 22386–K.)

INFORMATION FILED: January 26, 1949, Northern District of Texas, against the Keene Pharmacal Co., a corporation, commonly known as Harold Lloyd's Prescriptions, Dallas, Tex., and against Harold A. Lloyd, president of the corporation, and Percy L. Stogsdill and John M. Hilsher, pharmacists.

INTERSTATE SHIPMENT: Between the approximate dates of January 28 and February 14, 1948, from Indianapolis, Ind., to Dallas, Tex., of quantities of *seconal sodium pulvules*.

LABEL, WHEN SHIPPED: "Pulvules Seconal Sodium 1½ grs. (0.1 Gm.) * * * Eli Lilly And Company Indianapolis."

ALLEGED VIOLATION: On or about March 3, 5, 9, 15, 19, and 22, 1948, while the drug was being held for sale after shipment in interstate commerce, the defendants caused a number of pulvules of the drug to be removed and to be repacked in boxes and caused them to be sold to various persons without a physician's prescription, which acts of the defendants resulted in the drug being misbranded. The repacked *seconal sodium pulvules* were labeled in part "Harold Lloyd's Prescriptions * * * No. 378919 Dr. Prejean * * * One each night before retiring [or "One capsule each night before retiring" or "Take one capsule each night before retiring"]."

NATURE OF CHARGE: Misbranding, Section 502 (d), the article was a drug for use by man and contained a chemical derivative of barbituric acid, which derivative has been found by the Administrator of the Federal Security Agency, after investigation, to be and by regulations designated as, habit forming, and the label of the repacked pulvules failed to bear the name and quantity or proportion of such derivative and, in juxtaposition therewith, the statement "Warning—May be habit forming"; Section 502 (f) (1), the labeling of the repacked pulvules failed to bear adequate directions for use since the directions for use on the labeling quoted above for the repacked pulvules were not adequate; and, Section 502 (f) (2), the repacked pulvules bore no labeling containing warnings against use in those pathological conditions and by children where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: January 27, 1949. Pleas of nolo contendere having been entered, the court imposed against the corporation a fine of $200 on count 1 and a total fine of $500 on counts 2 through 6, with payment of the $500 fine to be suspended, and placed the corporation on probation for 1 year. The court imposed also a fine of $100 against each of the individual defendants.

2694. Misbranding of seconal sodium pulvules. U. S. v. James Martin Pillers (J. M. Pillers & Son City Drug Store). Plea of guilty. Fine, $300. (F. D. C. No. 25324. Sample Nos. 26371–K, 26379–K, 27006–K.)

INFORMATION FILED: November 24, 1948, Eastern District of Illinois, against James Martin Pillers, trading as J. M. Pillers & Son City Drug Store, Pinckneyville, Ill.

INTERSTATE SHIPMENT: On or about January 13, 1948, from St. Louis, Mo., to Pinckneyville, Ill., of a quantity of *seconal sodium pulvules*.

ALLEGED VIOLATION: On or about February 23 and 26, 1948, while the pulvules were being held for sale after shipment in interstate commerce, the defendant caused a number of pulvules to be removed from the bottle in which they had been shipped, repacked them into boxes, and sold them to various persons without a prescription, which acts of the defendant resulted in the pulvules being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), the label of the repackaged pulvules bore no statement containing the name and place of business of the manufacturer, packer, or distributor; Section 502 (b) (2), it bore no statement of the quantity of the contents; Section 502 (d), the pulvules were a drug for use by man and contained a chemical derivative of barbituric acid, which derivative has been found by the Administrator of the Federal Security